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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/589,745

07/11/2008

Jordi Relats Manent

27612U

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20529

7590

01/23/2012

THE NATH LAW GROUP

112 South West Street

Alexandria, VA 22314

EXAMINER

PATTERSON, MARC A

ART UNIT

PAPER NUMBER

1782

MAIL DATE

DELIVERY MODE

01/23/2012

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/589,745	Applicant(s) RELATS MANENT ET AL.	
	Examiner MARC PATTERSON	Art Unit 1782	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2012.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-13 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-13 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

NEW REJECTIONS

Claim Rejections – 35 USC § 102(b)

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3 – 5 and 9 – 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Lintecum et al. (U.S. Patent Application Publication No. 2002/0045395 A1).

With regard to Claim 1, Lintecum et al disclose a tube (column 1, lines 36 - 39) comprising a plurality of threads that are braided (paragraph 0070) having an oval cross section (paragraph 0070), therefore a thickness of the cross section of the threads that is greater than a thickness of a perpendicular cross section. Because Lintecum et al disclose a tube that is identical to the claimed tube, the claimed aspect of the tube being protective is inherent to Lintecum et al. Because the tube disclosed by Lintecum et al is identical to the claimed tube, the claimed aspect of being configured so that contracting a length of the tube with a force allows expansion of a section of the tube is inherent to Lintecum et al

With regard to Claims 3 – 5, the threads are made from a polymeric material comprising polyester or polyamide (nylon; paragraph 0070).

With regard to Claims 9 – 11, because the tube disclosed by Lintecum et al is identical to the claimed tube, the claimed cover factor is inherent to Lintecum et al

Claim Rejections – 35 USC § 103(a)

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 12 – 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lintecum et al (U.S. Patent Application Publication No. 2002/0045395 A1).

Lintecum et al disclose a robe as discussed above. With regard to Claim 2, Lintecum et al fail to disclose a thickness of a cross section that is 1.5 greater than a perpendicular cross section. However, it would have been obvious for one of ordinary skill in the art to select a thickness ratio depending on the desired strength of the end product.

With regard to Claims 12 – 13, Lintecum et al fail to disclose a thickness of the cross section of the first axis at least 1.5 times greater than the thickness of cross – section of the second axis. However, because Lintecum et al disclose threads that are oval, it would have been obvious for one of ordinary skill in the art to select thicknesses of the cross - sections, depending on the desired roundness of the desired threads.

5. Claims 6 – 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lintecum et al (U.S. Patent Application Publication No. 2002/0045395 A1) in view of Lively (U.S. Patent Application Publication No. 2002/0066491 A1).

Lintecum et al disclose a tube comprising threads are discussed above. With regard to Claims 6 – 8, Lintecum et al fail to disclose threads comprising polyethylene, polypropylene and phenylene polysulphide.

Lively teaches a tube comprising threads comprising polyethylene, polypropylene and phenylene polysulphide (paragraph 0017) for the purpose of obtaining a tube that is insulating (paragraph 0017).

It therefore would have been obvious for one of ordinary skill in the art to provide a tube comprising threads comprising polyethylene, polypropylene and phenylene polysulphide in order to provide a tube that is insulating as taught by Lively.

ANSWERS TO APPLICANT'S ARGUMENTS

6. Applicant's arguments regarding the rejections of the previous Action have been carefully considered but have not been found to be persuasive for the reasons set forth below.

Applicant argues, on page 6 of the remarks dated January 3, 2012, that oval threads are not disclosed by Lintecum et al.

However, as stated on page 2 of the previous Action, Lintecum et al disclose oval threads in paragraph 0070.

Applicant also argues, on page 8, that Lintecum et al fail to show cross - sectional widths that differ, or threads.

However, because ovals are disclosed by Lintecum et al, cross – sectional widths that differ are also disclosed; furthermore, threads are disclosed by Lintecum et al because yarn is disclosed.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc A Patterson whose telephone number is 571-272-1497. The examiner can normally be reached on Mon - Fri 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Marc A Patterson/
Primary Examiner, Art Unit 1782